

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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Notice of Proposed Rulemaking	)	
	)	CS Docket No. 02-52
Appropriate Regulatory Treatment for	)	
Broadband Access to the Internet Over	)	
Cable Facilities	)	
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**REPLY COMMENTS OF THE CITY OF MOLINE, ILLINOIS (“MOLINE”)**

These comments are filed by Moline in support of the comments filed by the Alliance of Local Organizations Against Preemption (the "Alliance"). Like the Alliance, Moline believes that (a) local communities should be able to require cable operators to obtain additional authorizations to use and occupy public rights of way to provide cable services, and to enforce existing authorizations that have been granted for the service; (b) should be able to obtain fair and reasonable compensation for use and occupancy of the public rights of way to provide non-cable services; and (c) should be able to regulate cable companies in their provision of non-cable services, as provided under the Cable Act.

These comments will also provide information regarding the status of cable modem service in Moline.

1. Moline and the Status of Cable Modem Service.

Moline has a total population of approximately 43,768. It is served by Mediacom which has approximately 11,000 subscribers. The cable system serving Moline offers subscribers cable and cable modem service through a 750 MhZ hybrid fiber coaxial cable system recently

upgraded and rebuilt in accordance with a renewed franchise entered into between Moline and Mediacom in 2001. Cable modem service is offered in Moline.

2. Moline's Franchise and Cable Modem Service.

The Moline franchise was issued in 2001 pursuant to Moline Master Cable Ordinance ("Ordinance"). The definition of gross revenues includes cable modem service unless prohibited by law. Pursuant to that provision, Moline is entitled to receive franchise fees on cable modem service. Moline received \$48,000 in cable modem franchise fees in 2001 and the first quarter of 2002. These payments were made in consideration of the grant of the franchise. The Moline franchise was written to permit Mediacom to provide both cable services and other services, as long as Mediacom complied with the franchise terms.

Neither the franchise requirements or the fees have prevented or delayed the roll-out of cable modem service in Moline.

3. How Moline Regulates Cable Modem Service.

Moline regularly receives complaints from customers regarding the services provided by Mediacom. These include complaints about traditional video programming services and about cable modem services. Responding to these complaints requires significant staff time and effort.

There are many unique customer service problems associated with cable modem services. In addition, it is often difficult, if not impossible to separate regulation of cable modem service from the regulation of cable service in many critical respects:

- A single bill is sent for cable modem and cable services, so billing complaints involve both.
- Customer service calls go to a single number, so telephone answering policies affect both.

- A customer may call a single location to schedule installation of cable service and cable modem service, and customer complaints about installations and missed appointments may relate to both services.

As a result, when one service has problems, the quality of the other service can be affected. Customers are advised on their bill by Mediacom that they can call the City with complaints, and as far as Moline can tell, at no time does Mediacom advise the customer that protections accorded with respect to cable service do not apply with respect to cable modem service. In the City's view, there is a substantial and continuing need to protect consumers of cable modem service, in light of the complaints Moline receives, and because of its close tie to video services.

Cable modem service is also subject to the following requirements under the Moline franchise:

- Mediacom is required to provide cable modem service throughout Moline, and is prohibited from redlining.
- Mediacom is prohibited from discriminating against potential customers.

#### 4. Moline and Broadband Deployment.

Moline believes it is very important to encourage broadband deployment, and to encourage development of broadband applications. Moline also believe that in order to achieve the promise of broadband, broadband has to be available to the entire community, as far as possible. Moline wants to avoid knowledge and opportunity gaps created because some parts of Moline have access to broadband information, while others do not.

To that end, Moline devotes significant resources to take advantage of the information highway and to extend its benefits to all. In addition, because the cable system has cable modem

services, Moline intends to utilize the funds that it receives from cable services as well as cable modem services to create webcasting or streaming video on its internet site to enable the residents to receive through the internet local interest programming and services, including the governmental access programming and news shows and information about City Council meetings and other public meetings.

The funds that Moline obtains from cable modem franchise fees are extremely important to help offset the costs of these and other activities. If Moline loses these funds, it will be more difficult to protect consumers, offer the extensive local community video services, and to promote the deployment of broadband throughout the community.

Respectfully submitted,

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